

MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, June 12, 2014, 9:30 a.m.
Charlotte County Administration Center
18500 Murdock Circle, Room 119, Port Charlotte, FL 33948

I. Call To Order and Pledge of Allegiance

The meeting was called to order at 9:32 a.m.

II. Roll Call

III. Chairman's comments

A. REMINDER TO ALL VISITORS ADDRESSING THE COMMITTEE: PLEASE SIGN IN. It is helpful when preparing the Minutes. A clipboard and a pen are provided on the podium for your convenience.

B. REMINDER TO ALL MEMBERS STATE THEIR NAME AND ORGANIZATION and TO USE THE MICROPHONE WHEN ADDRESSING THE COMMITTEE. It is helpful when preparing the Minutes

IV. Changes to the Agenda

None offered.

V. Citizen Comments on Agenda Items

None offered.

VI. Commissioner Comments

Commissioner Deutsch noted that the recommendations went through the County Commission (except for recommendation number 16 which was withdrawn.)

He also said there had been complaints received about live-aboards near the White Elephant; that there is no pump out being done, and also that people living on the boats are coming and going through the little park there via a make-shift ladder.

Commissioner Deutsch said that he didn't know what the committee can do, but this is an area that needs to be considered. **Mr. Ireland** responded that these might have been the same people who spoke at the Joint meeting. **Commissioner Deutsch** responded that it was like the same people; he also added that he thought these folks are free to stay there as long as they are causing no environmental damage, although there may be a safety issue with regard to that makeshift ladder. He also questioned whether the County would have any liability on this matter if it took no action. **Mr. Ireland** noted that MAC can't determine legality, but the group can discuss pump out, which was not addressed at the Joint meeting.

Mr. Mopps asked to introduce Officer Lytle, who then commented that multiple boats are mooring in the Chadwick Cove area, but as far as he knows, there is no pump out service at that location. He asked what coordination with the county is in effect in offering pump out service. He spoke about some other locations on the coast where boats are mooring, and commented that the legality is that they can do this, if they meet the parameters but those are so vague they cannot be enforced; there is an ongoing FWC pilot program to get compliance. **Officer Lytle**

noted that our County ordinances state that you must moor in an area; State law says that as long as the boat is moved every two weeks, it's not "permanently moored". Under this statute, an owner would only have to move a boat 10 feet to remain within the law.

Commissioner Deutsch interjected a comment expressing his concern also for the folks on the boat, they may get a fine for not moving, and for not pumping out. He asked the officer if law enforcement regularly went through the area to see if the boats have moved; **Officer Lytle** responded that they both go through the area and also board the boats whenever we want. They have to have a particular valve system aboard for pump out; and any boat in one of these areas is subject to boarding for inspection. He stated that for folks intending to live aboard, they should be in a designated mooring field, there should be a service offered to them so they pump out. The problem, according to **Officer Lytle**, is these people ARE living there, that is known; it is also known that there is no pump out service and they are dumping ... and children are swimming there.

Commissioner Deutsch asked whether or not, if there is proof they are dumping, isn't that criminal? **Officer Lytle** confirmed that it was but reminded that they have to "caught in the act" in order to prosecute. When law enforcement boards the boat, officers can demand that the boaters demonstrate they have the valve system, and meet all the other requirements.

Commissioner Deutsch some neighbors say these boats have not moved in a long time; **Officer Lytle** agreed but said that the State's Attorney's office won't prosecute because of the statute language in which the burden of proof is too great. **Commissioner Deutsch** then we should contact the state representative to share the concern we have about what a health and safety issue this is.

Officer Lytle agreed and commented that he goes to the Marine Emergency Response Committee (MERC) meeting in Lee County each month, and they have the same issues all over the state, which is why FWC has gotten involved and created a pilot program. But the officer observed that there is a problem in that some of these guys have a lot of money and are fighting these efforts. **Commissioner Deutsch** asked what, if anything, the county can do to help; **Officer Lytle** responded that mooring areas must be clearly delineated in the County ordinances, and set guidelines about responsibility to move from one mooring field to another within certain time frames (in other words, get rid of the "I moved it 10 feet" issue.)

Commissioner Deutsch asked one more question, concerning the average size of a holding tank: If there are two people on a boat, using the tank appropriately, would it accommodate them for two months? He thought that it would not, and **Officer Lytle** agreed. Therefore, the **Commissioner** said, perhaps the thing to do is make such boats move based on that holding tank capacity. **Officer Lytle** suggested it would be better to require a move across the county, e.g. from Laishley to Chadwick Cove; as he pointed out, these boats are supposed to be operational. It could be managed just as it is with camping, you have to move to another camping area. Some boats in Chadwick are boats without engines or sails which can't be moved. **Commissioner Deutsch** suggested they sit down and talk the matter over; **Officer Lytle** also indicated he would like Commissioner Truex to be involved in the discussion, though it would require separate meetings.

Mr. Harris suggested law enforcement personnel dropping a dye pack in tanks when inspecting vessels for compliance with the valve regulations; that will tell you if they are dumping in the water. **Officer Lytle** asked if the dye marks the hull; in order to relate the slick dye to a specific boat. **Mr. Harris** responded that you can reinspect to see if the dye is gone. **Officer Lytle** asked for more information on dye packs.

Mr. Buckley indicated that he objects to the idea and feels there are other ways to address the problem; he pointed out that the community is trying to invite people and that a dye pack is unfriendly. **Officer Lytle** asked why it is unfriendly; **Mr. Buckley** mentioned a presumption of innocence. **Officer Lytle** noted that law enforcement would be coming aboard your boat regardless; as long as personnel are respectful, there shouldn't be a problem. He also pointed out that he has to treat everyone equally so that there are no accusations of profiling; law enforcement can't just target the boats that don't seem to move. It may not be fair in one sense, but it's to the advantage of the law abiding to get the people off the water that are taking advantage.

Mr. Ireland agreed that it is not an intrusion or unfair. **Mr. Rose** noted that he had just checked Google; the dye packs are easy to find. **Capt. Ralph Allen** said dye packs are easy to find; FWC is already doing that in places. **Mr. Gertner** also googled, and found that there are plenty out there. **Officer Lytle** indicated that he would work with FWC and follow-up. **Mr. Hoffman** noted that he had been places where there's no Y-valve allowed, it's pump out only; he asked if that could be a County ordinance? **Mr. Ireland** said that might be a problem for short-term visitors. It was noted that if a vessel was to be in a mooring field for more than a month, it was state statute that the y-valve be removed.

Mr. Ireland suggested starting with the dye pack. **Mr. Novak** asked that whatever information was developed, to please share it with Officer Kennedy also; **Officer Lytle** responded affirmatively. **Mr. Buckley** said that there's one pump-out boat which is operational, and we have records on their activity; he also stated he was very much in favor of mooring fields. He further remarked on a case in Naples where no longer is anchoring allowed in a mooring field; he pointed out that when a mooring field is established, you can also establish the ground rules, and suggested the goal should be to try to establish more fields and make pump out available within those areas. **Officer Lytle** agreed and also observed that mooring fields should be in high-flow zones; Chadwick Cove is not an appropriate place for it. **Commissioner Deutsch** remarked that this is exactly what precipitated the discussion. **Mr. Andy Stevens** noted that Community Services does have a management plan for a mooring field in Chadwick Cove; operationally, there were budget constraints, but the point is that a mooring field there was funded. **Mr. Harris** asked whether Chadwick Cove was in the Aquatic Preserve; **Mr. Stevens** confirmed that it was. **Mr. DeBruler** added the caution to be careful when talking about "mooring fields"; Charlotte County only has one, which is the one at Laishley; the others are "safe harbors" of which there are six designated in the County and that's what these people are using.

VII. Regular Business

- A. Approval of the Minutes of the Pre-Agenda Meeting from May 1, 2014 – Additions, Corrections or Deletions. – Approved without objection that the minutes be approved as circulated.

- B. Approval of the Minutes of the Regular Meeting from May 8, 2014 – Additions, Corrections or Deletions. Approved without objection that the minutes be approved as circulated.
- C. MSBU Update

Mr. Mopps spoke on Alligator Creek, noting a difference from what was in the circulated memo; the provided boat survey was amended by Seagrant during the WCIND rule-making process, and now more mitigation is being required by DEP. **Mr. Mopps** indicated “that battle is being fought as we speak”. Most other items on the memo had no change from what was written; regarding Gulf Cove, an update coming; the Harbour Heights project should go out to bid this month as everything is in place and we are just trying to add some mangrove trimming and vegetation removal to the contract. South Gulf Cove went to Army Corps and from there to National Marine Fisheries for review – there is no time frame yet. A related question remains which will cost less: trucking all the material to the landfill or giving it to the state parks people to use at the Placida Rd. property but they have all these other requests for materials handling that would not be cost effective. Also, with Stump Pass, the application has been submitted and is under review; however, Palm Island citizens have requested a review on questions that have already been answered. **Mr. Mopps** indicated he would be working with Mr. Poff to respond. There are no real objections, but they do want things added; however, the application has been created according to DEP requirements for flexibility where the citizens are requesting specificity, so this is a little conflict. He then asked if there were any questions. **Mr. Hoagland** asked whether mangrove trimming will be included; **Mr. Mopps** responded yes, but pointed out that they all have to be trimmed, not just on these waterways, because it is MSBU money, and that requires maps to be developed to identify the locations for trimming. Mr. Hoagland also asked if Brazilian peppers could be included; **Mr. Mopps** responded yes, but only in the right-of-way.

In closing, **Mr. Mopps** commented on signage which is being put in slowly. Suncoast is in and they are getting the rest scheduled. He also praised the work of the dredging contractor on the Northwest Port Charlotte project.

VIII. New Business

- A. **Mr. Meckenberg**’s comments on proclamation for National Safe Boating Week were moved up on the agenda. Traditionally, the Commission has had an announcement; this year, Commissioner Deutsch presented the proclamation; Mr. Meckenburg has the proclamation with him, and will circulate it for the membership to see.
- B. Open Positions on the Committee
Mr. Ireland noted this matter is unfamiliar for him; he noted that there is an applicant for each opening on the Committee. First is Larry Hofmeister who was nominated by the Punta Gorda Isles Fishing Club; he was invited to speak and made brief remarks. **Mr. Ireland** commented that Mr. Hofmeister would be replacing Mike Quinn. **Mr. Harris** noted that in the absence of any comments from members, the group would simply accept Mr. Hofmeister as a member.

The second opening is for the Coast Guard Auxiliary – Scott Schermerhorn replacing Maurice Sabourin. **Mr. Schermerhorn** also made brief comments indicating he was delighted to pitch in. The group welcomed him back.

The third one is the application for the open organization seat; **Mr. Ireland** indicated there had been some question about that, which he briefly described. **Mr. Harris** indicated he had spoken to Josh Olive, who told him that CCA was not going

to rejoin MAC; that information was passed on to the Assistant County Attorney and was discussed briefly at the pre-agenda meeting. Presently the group has an application from the Punta Gorda Boater's Alliance (PGBA) but no individual's name was included as the proposed representative. **Mr. Novak** asked if the question was who would represent the PGBA or if it was whether the PGBA was replacing CCA.

Ms. Buck stated, as President of the PGBA, that they would put forward Brian Gleeson from the Charlotte Sun newspaper. **Mr. Harris** noted that there are already members here who represent other organizations, but are also members of PGBA; he thought there might be about 3 in this position.

Ms. Buck clarified that she is here representing the Punta Gorda Sailing Club, not PGBA; we feel PGBA contributes so much in the community, and it adds more cohesiveness. **Mr. Wilson** said he felt it was up to the Commission to approve. **Mr. Gallagher** noted that when the Committee is bringing in a new organization, the Committee votes to approve that particular organization but then the Commission must also approve. He also suggested that if the committee wants the organization without knowing who the intended representative would be, the group would have to consider the matter twice anyway; he suggested that the matter be considered in September when PGBA could actually send their chosen representative to address the Committee. **Mr. Ireland** said he agreed, and would like to have Mr. Gleeson come and address the group. **Ms. Bareither** raised the question of what to do when there is a conflict, since there are already six members with PGBA affiliation. **Mr. Novak** addressed that issue to the Assistant County Attorney, clarifying that the conflict she is referring to would only be if PGBA had requested funding, but then they would abstain; he asked if there would be any other types of conflicts to anticipate. **Mr. Gallagher** responded that membership make-up in and of itself is not necessarily a conflict; abstaining from a vote for funding that affects the organization you represent is a good practice, so for clarity, if PGBA was a member organization and also requesting funding, they should abstain from the vote.

Commissioner Deutsch posed the question as, first, would the Committee like to have this group, and, if so, would the members want to accept Mr. Gleeson as the representative. He also spoke in support of Mr. Gleeson. **Mr. Ireland** asked whether Mr. Gleeson knew he was being proposed as the nominee; **Ms. Buck** responded affirmatively. **Mr. Ireland** proposed the Committee members should decide if we want that group; **Ms. Buck** asked to have that matter put on the September agenda, for Brian Gleeson to attend and also the treasurer, Dave Cleverly, if that would be helpful.

Mr. Novak offered a motion to accept PGBA to replace CCA on the open spot for MAC; second by Mr. Fleming. **Mr. Wilson** objected, saying he didn't know what this organization is or what they do; he agreed that Mr. Gleeson is great but still wants to know what does the organization do? **Mr. Ireland** suggested that the group defer the motion until September, and have Mr. Gleeson come and tell us what they do? **Mr. Novak** countered with the suggestion to ask the President of PGBA to explain more about the group; **Ms. Buck** read from the application materials. **Mr. Novak** offered further comments about the group's canal clean-up activities once a year, which is very helpful. **Mr. Ireland** suggested the group go ahead with the discussion on the motion. **Capt. Blago** commented that this is a countywide organization, not just local to Punta Gorda; originally, it was just a local Punta Gorda organization and he worked hard for diversity from the rest of the County. He stated he would vote for it, but it is troubling to him to have the weight of

membership so tilted to Punta Gorda while at the same time he recognized the organizational skills and the resources brought by Punta Gorda. **Mr. Buckley** commented that the group is trying to extend itself out into the county; they are open to everyone, countywide. **Ms. Buck** noted, for clarification, that she did try to change the name to Charlotte Harbor Boaters Alliance at one time, and the goal is to include all of the County.

Mr. Ireland called the question, and by unanimous acceptance the Committee voted to replace the CCA with the Punta Gorda Boaters Alliance; he stated that the group looks forward to Mr. Gleeson addressing them in September.

C. Update of Bay Heights Project

It was noted that Roger Warner from Facilities could not attend today, so this item is also put forward to September.

Capt. Blago indicated that he wants to return to parking meter subject, and specifically requests a report on the parking fees revenue from each boat ramp. Further discussion ensued on this subject. **Mr. Ireland** noted that Commissioner Deutsch had volunteered to get the information for the September meeting.

IX. Old Business

X. Other Business

A. Review of pump-out boat activity report.

Mr. Harris commented on the pump-out boat activity log, noting that there are still two people on the boat instead of one, even though the funding had been cut back from the original request; he said he also felt that the way the information is presented could be improved, including specifying for each location how many pump-outs had been done at that location. **Mr. Harris** also recalled that the budget approval carried with it a request for the City to bill it quarterly and provide the receipts **Mr. Novak** confirmed that he has requested the quarterly billing in a formal communication to the City Council. **Mr. Harris** asked if there is any pushback to the idea of showing the activity per location, noting that it was a matter of ROI, and determining if there were locations that were only servicing a single vessel. **Mr. Novak** said that he agreed with this, especially in light of today's discussion on the advisability of servicing vessels in Chadwick Cove; maybe if there's a location getting only one pump-out per month, send it to Chadwick Cove instead, one day a week. Discussion of this proposition and general agreement followed.

Mr. Buckley wanted to address the concept of having just one person on the boat; though he said he was among the first to question this, he later realized all places he has used the service previously, it had been in a quiet harbor, but here it is windy. Having two people is a liability issue and a safety issue; having only one person is asking for trouble. Also, he noted, the state has approved the application for the pump out boat; who are we to question what they have approved. If Chadwick Cove is a better place, it should go there, but we can't tell the state what to do. He noted that the log is required by the State, and he has talked to the State employee in charge of this program, so he is aware of the requirements. **Mr. Harris** objected, saying the Committee is not concerned with what the state mandates; all that has been asked for is for the stats for each location, so that we can economically direct the boat activity. The State is, after all, spending our tax

money. He reiterated that the budget allows for one person. Further discussion ensued between Mr. Harris and Mr. Buckley on the personnel issue, safety, budget, etc.

Mr. Novak noted that part of Mr. Harris's frustration concerns what we were originally told vs. what actually ensued; however, he said, things change over time, and perhaps we shouldn't micro-manage the operation of the boat. He stated that this is a work in progress and I would recommend to the City to review the locations, specifically since there is a need at another location in the County; the county is paying 20% of the cost, let's take a look at moving it to Chadwick Cove one day a week. Let's keep working for the best use. **Mr. Harris** responded that he didn't feel it was being micro-managed; just like any other request, we need sufficient information. If there are going to be two people, then a different amount of money will be required; we want to know the supporting stats. That's not micro-managing.

Mr. Ireland recapped that there is a pretty good understanding of what we'd like to see, and there is an objection to 90% of the boat's time being spent in one place, there should be expansion to other areas. Yes, he said, it is a work in progress, but by September, the Committee should have additional information to consider. **Commissioner Deutsch** confirmed that he supports the suggestion to serve Chadwick Cove one day a week. **Mr. Hoffman** noted that the log it shows the pump-out boat goes to Port Charlotte several days per month and asked where exactly they go and how do people know their schedule. **Mr. Novak** responded that there is a published schedule on the City's website which gives days and times for each location; he said that the pump-out boat anchors off the Beach Complex and the boats go to it, which is how it works in every location except Laishley where the pump-out boat goes to every slip. **Mr. Hoffman** questioned whether the mooring boats have to travel to the pump-out boat; **Mr. Novak** responded that if there is a boat at the mooring field or at the anchorage off Gilchrist Park, the pump-out boat is there, or the boater can call Laishley Marina and ask for it to stop by. This information is also on the Boaters Alliance website.

Mr. Hoffman noted that for Chadwick Cove, the pump-out boat will have to go to the boats and he recommended, somewhat tongue-in-cheek, that the sheriff go with them the first time. **Mr. Ireland** asked if the owner has to be on the boat during the pump-out, noting that if so, that could pose a problem. **Mr. Harris** noted, in the same spirit, that if there is a weekly schedule, a Chadwick Cove boat owner may "disappear" during the scheduled visit time. **Mr. Novak** said he first felt opposed to dye pack; now, however, today's discussion makes him think the pump-out person could put the dye pack in, instead of the sheriff doing it. **Commissioner Deutsch** noted that if the boat owners are having the pump-out done to begin with, that's not the guy who is a problem, it's the people who don't choose to get the pump out, and that behavior affects everyone who uses the water. **Capt. Allen** noted that the dye works by being put into the toilet, and the pump-out boat operator does not go into that facility; an officer has the right to go in where the toilet is. He also asked if the pump-out goes to the Beach Complex, is that only in response to an advance booking for service, or do they go on a set schedule and hope for customers. Better stats on the report would help with this question. Also, when the pump-out boat is not at Laishley Marina, are they using the fixed system there? **Mr. Novak** provided some information about this. **Mr. Harris** spoke about the boat schedules; he also suggested that use of the dye packs would serve to impress visitors with the County's serious approach to conservation measures.

Mr. Ireland called for any further other comments; none were offered.

XI. Citizen Comments

None offered.

XII. Good of the Order

- Mr. Meckenberg gave an update on National Safe Boating Week the issuance of a proclamation by the Commission (MOVED UP ON AGENDA)

XIII. Next Meetings

- The next **Pre-Agenda Meeting** will be held Thursday, September 4, 2014 at 10.00 a.m. Room B-106.
- The next **Regular Meeting** will be held Thursday, September 11, 2014 at 9:30 a.m. in Room 119

Mr. Harris reminded the Committee members that if there is an incident such as a hurricane between now and the September meeting, we could be called in to rearrange the funding for things.

Ms. Buck reiterated her formal request to have Mr. Gleeson address the group at the September meeting.

XIV. Adjournment

On motion made, the meeting was adjourned at 10:58 a.m.